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MITIGATED NEGATIVE DECLARATION

October 23, 2008

Project Name: Dyke TPM

Project Number(s): TPM 20899/ER04-14-049

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Cultural, Biology, Fire Protection Plan, Quino Checkerspot Butterfly, and Stormwater Management Plan
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
 2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL REQUIREMENTS

1. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall grant by separate document to the County of San Diego and the California Department of Fish and Game an open space easement, or grant by separate document to the California Department of Fish and Game, a conservation easement, as shown on the Open Space Exhibit dated **July 8, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 04-14-049. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. **[DPLU, FEE]**

The sole exception(s) to this prohibition is:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.

- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.
 - c. Construction, use, and maintenance of septic systems on Parcel 2 in the location shown on Tentative Parcel Map 20899.
- 2. Prior to issuance of any permit and prior to recordation of the parcel map the applicant shall grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated **July 8, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 04-14-049. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **[DPLU, FEE]**
 - a. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
 - b. Decking, fences, and similar facilities.
 - c. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- 3. Prior to the issuance of any building, grading, or construction permit, or approval of any grading, improvement, or building plans, and prior to recordation of the parcel map, provide evidence to the satisfaction of the Director of Planning and Land Use, that the open space signage has been installed.

The applicant shall submit a statement from a California Registered Engineer, or licensed surveyor that all open space signs along the open space boundary of Parcels 1 and 2 as shown on the Open Space Fencing and Signage Exhibit dated **July 8, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 04-14-049 have been installed. **[DPLU, FEE]**

- a. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources"
Disturbance Beyond this Point is Restricted
by Easement
Information:

Contact County of San Diego, Department of Planning and
Land Use
Ref: 04-14-049"

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

TPM CONDITIONS:

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
2. ACCESS

- a) The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that

the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a) and/or (b), unless proof is furnished that a lesser width is applicable under Section 81.703(l) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map.

3. PRIVATE ROAD EASEMENTS

- a) The Parcel Map shall show a twenty-foot (20') wide private road easement from the existing private road, Highline Trail, at northern boundary of Parcel 1 to the proposed driveway on Parcel 2 for that portion within the boundary of the land division.

4. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/DEVELOPMENT IMPACT FEES

- a) The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the cost of processing by paying a minimum deposit at the Land Development Counter Services.
- b) The subdivider shall provide for maintenance of the onsite and offsite private road that serves the project through a private road maintenance agreement.

5. FACILITY/UTILITY ARRANGEMENTS

- a) Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Department of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
- b) The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating

that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.

- c) Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Parcel Map. [DPLU]
- d) Prior to recordation of the Parcel Map, the subdivider shall obtain a commitment to provide water service for each parcel from the Padre Dam Municipal Water District.
- e) If the Parcel Map records after March 26, 2009, a new certification for water service must be obtained from the Padre Dam Municipal Water District.

C. BECAUSE THEY HAVE BEEN FOUND NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE AREA, THE FOLLOWING PUBLIC IMPROVEMENTS MUST BE COMPLETED OR A SECURED AGREEMENT EXECUTED PRIOR TO RECORDING A PARCEL MAP. THE AGREEMENT REQUIRES POSTING OF SECURITY IN FORM OF A CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT OR AN INSTRUMENT OF CREDIT VALUED AT, OR MORE THAN, THE ESTIMATED IMPROVEMENT COST. IT ALSO REQUIRES IMPROVEMENTS BE COMPLETED WITHIN TWENTY-FOUR (24) MONTHS FROM THE DATE OF RECORDING THE PARCEL MAP OR PRIOR TO THE ISSUANCE OF A PERMIT OR OTHER GRANT OF APPROVAL FOR THE DEVELOPMENT OF A PARCEL CREATED BY THIS MAP, WHICHEVER COMES FIRST UNLESS OTHERWISE NOTED. NOTE: THE PROCESSING OF SECURITY TAKES APPROXIMATELY TWO (2) MONTHS. YOU SHOULD INITIATE THIS PROCESS TWO (2) MONTHS PRIOR TO RECORDING THE PARCEL MAP. [DPW] [DPLU]

1. FACILITY/UTILITY IMPROVEMENTS [DPW] [DPLU]

- a) An upgrade to the existing fire hydrant on the northwest corner of the easement access to 222 Highline Trail is required. The fire hydrant shall be configured to provide 2, 2 ½ inch and 1, 4 inch discharge ports, all NST threads. These upgrades shall be in accordance with the specifications of the East County Fire Protection District and San Diego County standards.

The upgrades of fire hydrant must be submitted to the East County Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision. [DPLU]

- D. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE) THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION". IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT, AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT, MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUELBREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. BIOLOGICAL REQUIREMENTS [DPLU]

- a) Prior to the approval of the grading, improvement, or building plans, submit to the satisfaction of the Director of Planning and Land Use; a statement from a California Registered Engineer, or licensed surveyor that temporary construction fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing condition shall be released on a parcel-by-parcel basis. **[DPLU, FEE]**
- b) Prior to the issuance of any Building, grading, or construction permit, or approval of any grading, improvement, or building plans, provide evidence to the satisfaction of the Director of Planning and Land Use the grading, and or improvement plans, and or building plans show permanent fences or walls along the open space boundary of Parcels 1 and 2 as shown on the Open Space Fencing and Signage Exhibit dated **July 8, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 04-14-049. The fence or wall shall be a minimum of four feet (4') high and consist of split rail. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation. **[DPLU, FEE]**
- c) Prior to the approval of any grading, improvement, or building plans and issuance of any permit, provide evidence to the satisfaction of the Director of Planning and Land Use or Public Works, that the following specific environmental notes have been placed on any of the following plans as applicable: grading, and or improvement plans, and or building plans:

"Temporary construction fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity."

"Prior to the conclusion of grading activities and Final Grading Release or Occupancy of any building: Placement of permanent fencing or walls is required. Provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences or walls, and open space signs have been installed along the biological open space boundary of Parcels 1 and 2 as shown on the Open

Space Fencing and Signage Exhibit dated **July 8, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 04-14-049. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed."

"Prior to the conclusion of grading activities and Final Grading Release or Occupancy of any building: Placement of open space signs is required. Provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences or walls, and open space signs have been installed along the biological open space boundary of Parcels 1 and 2 as shown on the Open Space Fencing and Signage Exhibit dated July 8, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 04-14-049. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed."

"Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of southern mixed chaparral habitat during the breeding season of migratory birds. This is defined as occurring between February 15th and August 31st. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no active nests are present in the vicinity of the brushing, clearing or grading."

2. PRIVATE ROAD IMPROVEMENTS [DPW] [FIRE]

- a) The private easement road serving the land division, from the northwesterly corner of Parcel 2 northerly to the northerly boundary of the land division shall be graded twenty feet (20') wide and improved sixteen feet (16') wide with asphalt concrete. Existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of sixteen feet (16'). All distressed sections shall be replaced. The Improvement and Design Standards of Section 3.13(D) of the County Standards for Private Roads for one hundred (100) or less trips shall apply, to the satisfaction of the Department of Public Works and the East County Fire Protection District.

- b) The offsite private easement road serving the land division, from the northerly boundary of the land division northerly to the public road (Highline Trail) shall be graded to a minimum width of sixteen feet (16') and improved with asphalt concrete to a minimum width of sixteen feet (16') where obstructions or significant slopes prevent improvement to wider dimensions. Where obstructions or slopes do not prevent improvement, the road shall be paved to the widest possible dimension, to a maximum twenty-foot (20') width of asphalt concrete over a twenty-foot (20') graded width. Existing pavement may remain and shall be widened with asphalt concrete to provide a constant width as mentioned above. All distressed sections shall be replaced. The above shall be to the satisfaction of the County Department of Public Works and the East County Fire Protection District.
- c) Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.
- d) Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- e) A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road serving the land division, including all slopes, from the northwesterly corner of Parcel 2 northerly to the public road (Highline Trail) is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- f) The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads.

E. OTHER REQUIREMENTS [DPW] [DPLU]

1. The following note shall appear on the Parcel Map:

All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.
2. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
3. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.
4. Zoning regulations require that each parcel shall contain a minimum net area of 1 acre. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
5. The subject property is in the 1 (Residential) Designation of the General Plan and each parcel shall contain a minimum gross area of 4 acres. However, clustering is being utilized for this project, and the General Plan allows a minimum parcel size of 1 acre within a Country Town. If, as a result of survey calculations or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the required minimum of 1 acre, it becomes the responsibility of the subdivider to meet area requirements by lot redesign. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.

6. Prior to approval of the Parcel Map, projects proposing to import municipal water to the site must provide evidence to satisfaction of the Director of Planning and Land Use that public water is available to the site.
7. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
8. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

9. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (**Ordinance**

No. 9589) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rosemary Rowan, Planning Manager
Regulatory Planning Division

EG:RR:ms